

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE

BARBARA CRUZ

Debtor

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CHAPTER 13

CASE NO: 18-17163ELF

DEBTOR'S RESPONSE TO TRUSTEE'S MOTION TO DISMISS

The Debtor, through counsel, responds to the motion of William C. Miller, Esquire, Chapter 13 Standing Trustee (the "Trustee"), to dismiss (the "Motion" (Doc. No. 39) as follows:

1. The Motion asserts that Debtor is not making payments.
2. The Motion is an "auto-generated" motion that the Trustee files when his automated system shows two payments in arrears.
3. This is an ongoing issue because Debtor uses the Trustee's third-party application, TFSBillpay to make her payments via ACH withdrawal from her bank account and there is typically a delay between the withdrawal and when payment is reflected on the Trustee's account records. As a result, Debtor is consistently running "one payment behind."
4. As of the date of the Trustee's Motion, Debtor has an ACHE payment processing
5. By the time of the hearing set for the motion, Debtor will be no more than one payment behind, which is not a basis for dismissal.

WHEREFORE, Debtor prays that this Court enter an Order DENYING the Motion.

/s/ Alfonso G. Madrid
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